

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

J.B.D.L. Corp. d/b/a	)	Civil Action No. C-1-01-704
BECKETT APOTHECARY, et al.	)	
	)	
Plaintiffs,	)	Judge Sandra S. Beckwith
	)	Magistrate Judge Timothy S. Hogan
	)	
v.	)	
	)	
WYETH-AYERST LABORATORIES, INC.,	)	<b>JOINT MOTION TO MODIFY</b>
et al.	)	<b>CALENDAR ORDER</b>
	)	
Defendants.	)	

**MOTION**

That parties respectfully request a modification of the prior Calendar Order entered in this case, dated June 11, 2003 (Doc. #62). The parties' proposed Agreed Modified Calendar Order is attached hereto and has been sent via electronic mail to the Court in Word format.

**MEMORANDUM IN SUPPORT**

The merits and discovery in this case cannot be completed by the date set forth in the Calendar Order dated June 11, 2003 (Doc. #62) and, therefore, it is in the best interests of all parties to extend the date by which merits discovery shall conclude and to set a date by which Defendants will conclude their agreed production of documents. This extension of the merits discovery deadline also requires extensions of approximately one month for all other deadlines set by the June 11, 2003 Calendar Order, with the exception of the final pretrial conference date which will be set by Judge Beckwith. Significantly, this Agreed Modified Calendar Order does not change the December 2004 timeframe by which this case should be prepared for a final pretrial.

Accordingly, the parties jointly move this Court to extend the deadlines as set forth in the Agreed Modified Calendar Order attached hereto.

s/Theresa L. Groh

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s/Grant S. Cowan

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Local Counsel for Defendants

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 12, 2003, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Grant S. Cowan, Esq., Frost Brown Todd LLC, 2200 PNC Center, 201 E. Fifth Street, Cincinnati, Ohio 45202, and I hereby certify that I have mailed the document by United States Postal Service to the following non CM/ECF participants: William J. Baer, Esq. and David S. Eggert, Esq., Arnold & Porter, 555 Twelfth Street, N.W., Washington, D.C. 20004-1206 and Dan K. Webb, Esq. and W. Gordon Dobie, Esq., Winston & Strawn, 35 West Wacker Drive, Chicago, Illinois 60601-9703.

s/Theresa L. Groh

Theresa L. Groh



7. Defendants shall depose Plaintiffs' rebuttal experts: before **July 12, 2004**;
8. Dispositive motions filed and served upon Plaintiffs' co-lead counsel by hand delivery or by overnight mail for receipt no later than 5pm on: **August 19, 2004**;
  - a. Opposition filed and served upon defense counsel by hand delivery or by overnight mail for receipt no later than 5pm on: **October 1, 2004**;
  - b. Reply filed and served upon Plaintiffs' co-lead counsel by hand delivery or by overnight mail for receipt no later than 5pm on: **October 20, 2004**;
9. Final pretrial Conference: to be set by the Court in **December 2004**;
10. Trial: to be set by the Court 30 days after pretrial.

Date: \_\_\_\_\_

\_\_\_\_\_  
Timothy S. Hogan  
United States Magistrate Judge

Agreed:

\_\_\_\_\_  
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